

CRIMINAL HISTORY RECORD INFORMATION

§ 9124. Use of records by licensing agencies.

(a) **State agencies.**-Except as provided by this chapter, a board, commission or department of the Commonwealth, when determining eligibility for licensing, certification, registration or permission to engage in a trade, profession or occupation, may consider convictions of the applicant of crimes but the convictions shall not preclude the issuance of a license, certificate, registration or permit.

(b) **Prohibited use of information.**-The following information shall not be used in consideration of an application for license, certificate, registration or permit:

- (1) Records of arrest if there is no conviction of a crime based on the arrest.
- (2) Convictions which have been annulled or expunged.
- (3) Convictions of a summary offense.
- (4) Convictions for which the individual has received a pardon from the Governor.
- (5) Convictions which do not relate to the applicant's suitability for the license, certificate, registration or permit.

(c) **State action authorized.**-Boards, commissions or departments of the Commonwealth authorized to license, certify, register or permit the practice of trades, occupations or professions may refuse to grant or renew, or may suspend or revoke any license, certificate, registration or permit for the following causes:

- (1) Where the applicant has been convicted of a felony.
- (2) Where the applicant has been convicted of a misdemeanor which relates to the trade, occupation or profession for which the license, certificate, registration or permit is sought.

(d) **Notice.**-The board commission or department shall notify the individual in writing of the reasons for a decision which prohibits the applicant from practicing the trade, occupation or profession if such decision is based in whole or part on conviction of any crime.

§ 9125. Use of records for employment.

(a) General rule.-Whenever an employer is in receipt of information which is part of an employment applicant's criminal history record information file, it may use that information for the purpose of deciding whether or not to hire the applicant, only in accordance with this section.

(b) Use of information.-Felony and misdemeanor convictions may be considered by the employer only to the extent to which they relate to the applicant's suitability for employment in the position for which he has applied.

(c) Notice.-The employer shall notify in writing the applicant if the decision not to hire the applicant is based in whole or in part on criminal history record information.